



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/347,034	07/02/1999	MARK ALBERT	CISCP521	3170
5073	7590	03/11/2005	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			BURGESS, BARBARA N	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/347,034

Applicant(s)

ALBERT ET AL.

Examiner

Barbara N Burgess

Art Unit

2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-3, 5-9, 11-15, 17-49, 51-55, 57-85.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Detailed Action attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

This Action is in response to After-Final amendment filed January 24, 2005. Applicant's arguments and Examiner's response are presented.

Response to Arguments

The Office notes the following arguments:

- (a) However any of this disclosure from Urano, in any way, anticipates the teachings of any of the pending claims is unclear.
- (b) Keeping track of log information or ensuring the validity of log information is simply not akin to the forwarding agent and service manager disclosed by the above-identified claims.
- (c) However, nowhere in Urano is there any disclosure, teaching, or suggestion of receiving instructions and processing packets according to the instructions as recited in the identified claims.
- (d) By contrast Urano fails to offer any system in the context that provides the forwarding agent and the service manager being configured on a single network device such that one or more packets may be exchanged between the forwarding agent and the service manager within the network device.

In response to:

- (a)-(c) As it is unclear to the Applicants the anticipation of disclosure from Urano in teaching any of the pending claims, Examiner takes this opportunity to make plain the use of Urano as prior art so that Applicants may fully understand and comprehend the rejections made. Urano teaches an agent computer obtaining data from the log

Art Unit: 2157

database according to rules stored in the storage and transfers the data to a manager computer (column 4, lines 11-15). A packet is a unit of data that is routed between an origin and a destination on the network. According to the claims, packets are forwarded from the forwarding agent to the service manger. According to Urano, log data or log files are sent to the manager computer. Both log data and log files are packets because they are units of data that are routed between an origin and a destination on a network. Therefore, Urano clearly discloses forwarding selected packets from the forwarding agent to the service manager.

Urano discloses instructions concerning rules governing which log is important and which log should be sent to the manager computer. These instructions are sent in advance from the manager computer to the agent computers. For example, when the load on the network or manager computer is high, the manager computer sends an instruction requesting to send only the important logs. When careful monitoring is required, the manager computer sends instructions requesting more logs, including those that are not important (column 4, lines 36-48). Therefore, Urano explicitly discloses receiving instructions from a service manager at a forwarding agent.

As stated above, the agent computers send or route requested log files to the manager computer according to the instructions made by the manager computer. Processing means to perform some useful operations on data. Sending data is considered processing data. When sending log files (data) to the manager computer, as instructed by the manager computer, agent computers must include the destination address of the manager computer, origin address, protocols necessary to send the log files (data)

Art Unit: 2157

across the network. This is all considered processing data. Therefore, Urano indeed discloses processing the packets according to instructions.

(d) Urano discloses the manager computer may also be an agent. Therefore, Urano teaches the forwarding agent and manager being configured on a single device (column 3, lines 30-32, column 4, lines 60-65).

Conclusion

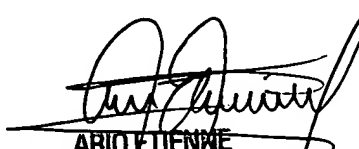
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess
Examiner
Art Unit 2157

March 1, 2005


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 09/347,034

Art Unit: 2157

Page 5